

Notice of Allowability

Application No.

10/730,769

Examiner

Tejash D Patel

Applicant(s)

SVEILICH, IAN J.

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application filed on 12/8/03 & Examiner's Amdt on 9/17/04.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on 08 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

TEJASH PATEL
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Victor E. Libert on September 17, 2004.

2. The application has been amended as follows:

IN THE CLAIMS:

In claim 1, on line 6, "whereby to reduce" has been changed to -- wherein --;
on line 7, after "foot" insert -- is reduced --.

In claim 2, on line 4, "to extend" has been changed to -- to be a length which extends --;
on line 8, "whereby to reduce" has been changed to -- wherein --;
and after "foot" insert -- is reduced --.

In claim 3, after "wherein" insert -- the length -- and "body portion has a length of" has
been changed to -- body portion is --.

In claim 4, after “wherein” insert -- the depth -- and “body portion has a depth of” has been changed to -- body portion is from --.

In claim 5, after “wherein” insert -- the width -- and “body portion has a width of” has been changed to -- body portion is from --.

In claim 14, after “wherein” insert -- the depth of -- and “has a depth ” has been changed to -- is --.

3. The following is an examiner’s statement of reasons for allowance: Claims 1 and 2 with its respective dependents are allowable since the prior art does not teach or suggest the recitation therein including a shin rest having a dimensioned body portion that extends from about the top of the foot to a point below the knee in order to reduce the force imposed on the foot while in a kneeling position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Art Unit: 3765

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash D Patel whose telephone number is (703) 306-9184.

The fax phone number for this group (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

September 17, 2004

A handwritten signature in black ink, appearing to read 'Tejash Patel', with a long horizontal stroke extending to the right.

**TEJASH PATEL
PRIMARY EXAMINER**